

Subject: Re: FW: 03154 Local Agency Procurement Review Completed with Further Action Required
From: Xochitl Lira <xlira@newlosangeles.org>
Date: 1/22/19, 2:43 PM
To: Brooke Rios <brios@newlosangeles.org>

Yes.

On Tue, Jan 22, 2019 at 2:41 PM Brooke Rios <brios@newlosangeles.org> wrote:

Hi,

Can we discuss this tomorrow?

Thanks!

----- Forwarded message -----

From: Rick Gardenour <RGardenour@cde.ca.gov>
Date: Tue, Jan 22, 2019 at 2:28 PM
Subject: FW: 03154 Local Agency Procurement Review Completed with Further Action Required
To: brios@newlosangeles.org <brios@newlosangeles.org>

Hello Brooke,

The email below was mistakenly sent to Matt Albert therefore, I am forwarding a copy to you. Thank you.

Rick Gardenour, Analyst
Procurement Resources Unit
Nutrition Services Division
1430 N Street, Suite 4503
Sacramento, Ca 95814
Phone 916-445-4308
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rgardenour@cde.ca.gov
<http://www.cde.ca.gov/>

Keep up-to-date on the latest AR requirements, resources, and helpful tips by visiting the new CDE SNP AR Web page at <http://www.cde.ca.gov/ls/nu/ar/arsnp.asp>.

From: Rick Gardenour
Sent: Tuesday, January 22, 2019 9:35 AM
To: xlira@newlosangeles.org; xlira@newlosangeles.org; malbert@newlosangeles.org; malbert@newlosangeles.org
Subject: 03154 Local Agency Procurement Review Completed with Further Action Required

03154-SN-19-CS
New Los Angeles Charter School
Dear Dr Xochitl Lira, Dr Xochitl Lira, Dr Matthew Albert, Dr Matthew Albert:

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) requires the California Department of Education (CDE) to conduct Local Agency Procurement Reviews. The CDE Nutrition Services Division (NSD), Procurement Resources Unit (PRU) recently conducted a Local Agency Procurement Review of your agency, New Los Angeles Charter School, for School Year 2017–18. Thank you for your cooperation during this off-site review and your availability to answer questions and provide additional information. Your agency was very receptive to CDE's recommendations and guidance. Your Local Agency Procurement Review is now complete. This email provides a summary of items found to be noncompliant according to federal regulations:

The PRU reviewed the following vendors:

- * Procurement Procedures and Code of Conduct
- * Formal Purchase – Revolution Foods

Please note that not all errors are recorded in this summary. For more detail, please refer to the attached Procurement Errors document.

Definitions

- * Procurement Errors

Errors are noncompliant with federal regulations. Corrective action must be completed by your next procurement review

- * Technical Assistance

Technical assistance (TA) is meant to assist you and your agency better understand guidance or implement guidance requirements. TA does not always mean your school district or agency made an error. If there is not an error, Best Practice recommendations may be provided to support your procurement methods, documentation, or procurement process.

- * Compliance Form

Signature page acknowledging intent to comply and correct noted errors by the next Local Agency Procurement Review.

- * Micropurchase

The acquisition of supplies or services. The aggregate dollar amount per transaction not to exceed the micropurchase threshold.

- * Small Purchase

Small purchases are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. Price or rate quotations must be obtained from an adequate number of qualified sources.

- * Formal Purchase

Procurement by sealed bids. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the most responsive and responsible bidder whose bid conforms to all the material terms and conditions of the Invitation for Bids (IFB) or a Request for Proposal (RFP) and is the lowest in price. In the case of an RFP, either a fixed price or cost-reimbursement type contract is awarded.

Identified Errors

During the review, we identified the following errors:

- * Procurement Procedures and Code of Conduct document
- * Procurement Procedures
- * Code of Conduct
- * Formal Purchase
- * Presolicitation (work prior to creating a solicitation)
- * Evaluating and awarding to the most responsive and responsible vendor
- * Documentation
- * Contract management
- * Buy American Provision
- * Required Contract Provisions

Technical Assistance

Technical assistance was given on the following date: January 10, 2019. Please note the following:

1. Your agency must be in compliance with federal and state regulations by correcting all errors before your next procurement review. To demonstrate compliance, all corrected documents, along with this Executive Summary, must be available at your next procurement review. Reviews are conducted on a three-year or six-year cycle. Program operators that contract with a food service management company (FSMC), or are a residential child care

institution (RCCI), or are a private school or camp will be on the three-year cycle. For these agencies, their off-site Local Agency Procurement Review may be scheduled during their administrative review (AR).

Public school districts, charter schools, and county offices of education operating without an FSMC contract are on a six-year cycle. The off-site Local Agency Procurement Review for these agencies typically occurs every other time that an AR is scheduled.

2. All errors must be corrected immediately. Your next Local Agency Procurement Review may result in disallowance of future reimbursements and/or disallowance of contract cost(s) requiring repayment to the nonprofit school food service account from a nonfederal funding source if all identified errors are not corrected and your procurement does not comply with all federal, state and local requirements.

3. CDE will not disallow reimbursement claims as a result of your 2017–18 Local Agency Procurement Review, but your agency may be required to resolicit even if the contract allows for extensions.

4. The CDE Compliance Form (see Compliance attachment) must be completed and returned to appropriately close this review. The Compliance Form is due on January 29, 2019.

5. CDE acknowledges the federal regulations mandating standard record retention policy. However, because CDE is not requiring your agency to provide corrective action, we expect retention of all necessary documents that demonstrate correction of the identified errors until your next Local Agency Procurement Review.

CDE recommends that you visit our Procurement in Child Nutrition Programs web page for added guidance.

Should you have any questions or need additional technical assistance, please contact Rick Gardenour by phone at 916-445-4308 or by email at RGardenour@cde.ca.gov.

Disallowance(s) for Fiscal Year 2017–18

* Contract amount disallowed: \$ 0

* Non-contracted amount disallowed: \$ 0

This information has been referred to your CDE Child Nutrition Consultant.

Rick Gardenour, Associate Governmental Program Analyst

Procurement Resources Unit

Nutrition Services Division

California Department of Education

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<http://www.cde.ca.gov/ls/nu/sn/fsmcproc.asp>

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Brooke Rios
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